

Original

Peter W. Billings, A0330
Gary E. Jubber, A1758
FABIAN & CLENDENIN,
A Professional Corporation
215 South State, Suite 1200
P.O. Box 510210
Salt Lake City, Utah 84151
Telephone: (801) 531-8900
Facsimile: (801) 596-2814

Attorneys for Official Committee of
Unsecured Creditors

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

In Re:)	Bankruptcy Nos. 02-22906 GEC
)	02-22907 GEC
SIMON TRANSPORTATION SERVICES)	02-24874 GEC
INC., DICK SIMON TRUCKING, INC. and)	(Chapter 11)
SIMON TERMINAL, LLC,)	[SUBSTANTIVELY CONSOLIDATED]
)	
Debtors.)	Judge Glen E. Clark

**ORDER SUSTAINING UNSECURED CREDITORS' COMMITTEE OBJECTION TO
PROOF OF CLAIM NO. 845 FILED BY THE UTAH LABOR COMMISSION AND
PROOF OF CLAIM NO. 445 FILED BY HANS VANDERMERWE**

The Official Committee of Unsecured Creditors (the "Committee"), by and through its counsel, Fabian and Clendenin, filed its Application For Entry of Order Sustaining Unsecured Creditors' Committee Objection to Proof of Claim No. 845 filed by The Utah Labor Commission and Proof of Claim No. 445 filed by Hans Vandermerwe, on November 4, 2003. The objection and a notice of hearing were properly served on interested parties on September 18, 2003. The

notice of hearing included a statement that in the absence of a timely response, the relief requested could be granted without a hearing. Based upon the objection, the lack of any response to the objection and the Committee's Ex Parte Application for Entry of Order, and good cause appearing

IT IS HEREBY ORDERED that,

1. The Committee's Objection to Proof of Claim No. 845 filed by the Utah Labor Commission and Proof of Claim No. 445 filed by Hans Vandermerwe is sustained; and
2. Claim no. 845 filed by the Utah Labor Commission is disallowed in its entirety; and
3. Claim no. 445 is allowed as a priority claim pursuant to 11 U.S.C. § 507(a)(3) in the amount of \$4,650.00, and as a general unsecured claim in the amount of \$44,557.10.

DATED this 22 day of November, 2003.

BY THE COURT:



Honorable Glen E. Clark
United States Bankruptcy Judge

CLERK'S CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, postage fully prepaid, this ____ day of November, 2003.

United States Trustee
9 Exchange Place, Suite 100
Salt Lake City, Utah 84111

Weston L. Harris
Parsons Kinghorn Peters
111 East Broadway, 11th Floor
Salt Lake City, UT 84111

Deidre Marlowe, Attorney
Utah Labor Commission
P.O. Box 146600
Salt Lake City, UT 84114-6600

Hans Vandemerwe
11688 South Jordanaire Drive
South Jordan, UT 84095
